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AGENDA FOR PROTECTION

ADDENDUM

I. INTRODUCTION

In response to the numerous challenges confronting refugee protection for States, as well as for the Office of the United Nations High Commissioner for Refugees (UNHCR), and on the occasion of the 50th anniversary of the *1951 Convention relating to the Status of Refugees*, UNHCR set in train, in December 2000, the *Global Consultations on International Protection*. The purpose was to provoke both reflection and action to revitalize the 1951 Convention framework and to equip States better to address the challenges in a spirit of dialogue and cooperation.[1]

The Agenda for Protection is the product of this consultative process. It reflects a wide cross-section of concerns and recommendations of States, intergovernmental organizations, non-governmental organizations (NGOs), as well as refugees themselves. The Agenda focuses on suggested activities which would strengthen international protection of asylum-seekers and refugees and improve implementation of the 1951 Convention and its 1967 Protocol. These activities flow from the Declaration adopted unanimously by States Parties to the 1951 Convention and/or its 1967 Protocol at the Ministerial Meeting of States Parties, organized jointly by Switzerland and UNHCR on 12-13 December 2001, to commemorate the Convention's 50th anniversary.[2] This Declaration recognizes the enduring importance of the 1951 Convention and 1967 Protocol, reaffirms political commitment to upholding the values and principles they embody, and urges all States to consider ways to strengthen their implementation. It also affirms the need for closer cooperation between States Parties and UNHCR to facilitate UNHCR's duty of supervising the

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[1] For information on the Global Consultations on International Protection, please consult the Global Consultations page of UNHCR's website at www.unhcr.ch.

[2] See Report of *the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/MMSP/2001/10, available on the *Global Consultations* page of UNHCR's website at www.unhcr.ch.

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application of these instruments.[3] The Declaration is premised on more robust international cooperation, within an agreed framework of basic principles.

This Declaration serves as the framework for the Agenda for Protection, which in turn is intended to guide action by UNHCR, together with States, NGOs and other protection partners, in furthering protection objectives during the years ahead.[4]

II. DECLARATION OF STATES PARTIES

The Declaration of States Parties sets out a number of important understandings about the significance of the 1951 Convention and its 1967 Protocol within the broader international framework for refugee protection. The Declaration serves, within the Agenda for Protection, as the framework for its goals, objectives and the activities to reach them. It is an integral part of the Agenda. The numbering of the following paragraphs corresponds to that of the original text, as adopted.

Preamble

We, representatives of States Parties to the 1951 Convention relating to the Status of Refugees and/or its 1967 Protocol, assembled in the first meeting of States Parties in Geneva on 12 and 13 December 2001 at the invitation of the Government of Switzerland and the United Nations High Commissioner for Refugees (UNHCR),

1. Cognizant of the fact that the year 2001 marks the 50th anniversary of the 1951 Geneva Convention relating to the Status of Refugees,

2. Recognizing the enduring importance of the 1951 Convention, as the primary refugee protection instrument which, as amended by its 1967 Protocol, sets out rights, including human rights, and minimum standards of treatment that apply to persons falling within its scope,

3. Recognizing the importance of other human rights and regional refugee protection instruments, including the 1969 Organization of African Unity (OAU) Convention governing the Specific Aspects of the Refugee Problem in Africa and the 1984 Cartagena Declaration, and recognizing also the importance of the common European asylum system developed since the 1999 Tampere European Council Conclusions, as well as the Programme of Action of the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States,

4. Acknowledging the continuing relevance and resilience of this international regime of rights and principles, including at its core the

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[3] See *Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/MMSP/2001/09, available on the *Global Consultations* page of UNHCR's website at www.unhcr.ch.

[4] The Agenda for Protection is the outcome of a process which has generated considerable support across the board for the actions contained in it. It is a statement of goals and objectives and an inventory of actions to reinforce the international protection of refugees. The progressive implementation of this framework will require, in certain instances, additional consultation and will be subject to the availability of resources and commitment by all concerned.

principle of *non-refoulement*, whose applicability is embedded in customary international law,

5. Commending the positive and constructive role played by refugee-hosting countries and recognizing at the same time the heavy burden borne by some, particularly developing countries and countries with economies in transition, as well as the protracted nature of many refugee situations and the absence of timely and safe solutions,

6. Taking note of complex features of the evolving environment in which refugee protection has to be provided, including the nature of armed conflict, ongoing violations of human rights and international humanitarian law, current patterns of displacement, mixed population flows, the high costs of hosting large numbers of refugees and asylum-seekers and of maintaining asylum systems, the growth of associated trafficking and smuggling of persons, the problems of safeguarding asylum systems against abuse and of excluding and returning those not entitled to or in need of international protection, as well as the lack of resolution of long-standing refugee situations,

7. Reaffirming that the 1951 Convention, as amended by the 1967 Protocol, has a central place in the international refugee protection regime, and believing also that this regime should be developed further, as appropriate, in a way that complements and strengthens the 1951 Convention and its Protocol,

8. Stressing that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and effective responsibility and burden-sharing among all States,

Operative Paragraphs

1. Solemnly reaffirm our commitment to implement our obligations under the 1951 Convention and/or its 1967 Protocol fully and effectively in accordance with the object and purpose of these instruments;

2. Reaffirm our continued commitment, in recognition of the social and humanitarian nature of the problem of refugees, to upholding the values and principles embodied in these instruments, which are consistent with Article 14 of the Universal Declaration of Human Rights, and which require respect for the rights and freedoms of refugees, international cooperation to resolve their plight, and action to address the causes of refugee movements, as well as to prevent them, *inter alia*, through the promotion of peace, stability and dialogue, from becoming a source of tension between States;

3. Recognize the importance of promoting universal adherence to the 1951 Convention and/or its 1967 Protocol, while acknowledging that there are countries of asylum which have not yet acceded to these instruments and which do continue generously to host large numbers of refugees;

4. Encourage all States that have not yet done so to accede to the 1951 Convention and/or its 1967 Protocol, as far as possible without reservation;

5. Also encourage States Parties maintaining the geographical limitation or other reservations to consider withdrawing them;

6. Call upon all States, consistent with applicable international standards, to take or continue to take measures to strengthen asylum and render protection more effective including through the adoption and implementation of national refugee legislation and procedures for the determination of refugee status and for the treatment of asylum-seekers and refugees, giving special attention to vulnerable groups and individuals with special needs, including women, children and the elderly;

7. Call upon States to continue their efforts aimed at ensuring the integrity of the asylum institution, *inter alia*, by means of carefully applying Articles 1F and 33 (2) of the 1951 Convention, in particular in light of new threats and challenges;

8. Reaffirm the fundamental importance of UNHCR as the multilateral institution with the mandate to provide international protection to refugees and to promote durable solutions, and recall our obligations as State Parties to cooperate with UNHCR in the exercise of its functions;

9. Urge all States to consider ways that may be required to strengthen the implementation of the 1951 Convention and/or 1967 Protocol and to ensure closer cooperation between States parties and UNHCR to facilitate UNHCR's duty of supervising the application of the provisions of these instruments;

10. Urge all States to respond promptly, predictably and adequately to funding appeals issued by UNHCR so as to ensure that the needs of persons under the mandate of the Office of the High Commissioner are fully met;

11. Recognize the valuable contributions made by many non-governmental organizations to the well-being of asylum-seekers and refugees in their reception, counselling and care, in finding durable solutions based on full respect of refugees, and in assisting States and UNHCR to maintain the integrity of the international refugee protection regime, notably through advocacy, as well as public awareness and information activities aimed at combating racism, racial discrimination, xenophobia and related intolerance, and gaining public support for refugees;

12. Commit ourselves to providing, within the framework of international solidarity and burden-sharing, better refugee protection through comprehensive strategies, notably regionally and internationally, in order to build capacity, in particular in developing countries and countries with economies in transition, especially those which are hosting large-scale influxes or protracted refugee situations, and to strengthening response mechanisms, so as to ensure that refugees have access to safer and better conditions of stay and timely solutions to their problems;

13. Recognize that prevention is the best way to avoid refugee situations and emphasize that the ultimate goal of international protection is to achieve a durable solution for refugees, consistent with the principle of *non-refoulement*, and commend States that continue to facilitate these solutions, notably voluntary repatriation and, where appropriate and feasible, local integration and resettlement, while recognizing that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees;

14. Extend our gratitude to the Government and people of Switzerland for generously hosting the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.

III. PROGRAMME OF ACTION

Following on from the Declaration of States Parties, a Programme of Action is suggested which, if implemented, should progressively reinforce refugee protection over a multiyear period. The Programme of Action has six goals:

1. Strengthening implementation of the 1951 Convention and 1967 Protocol;
2. Protecting refugees within broader migration movements;
3. Sharing of burdens and responsibilities more equitably and building of capacities to receive and protect refugees;
4. Addressing security-related concerns more effectively;
5. Redoubling the search for durable solutions; and
6. Meeting the protection needs of refugee women and refugee children.

The Programme's goals are inter-related and there are cross-cutting themes. These include responsibility and burden-sharing, as well as a gender and age-sensitive application of the regime as a whole. Suggested follow-up activities relating to refugee women and refugee children are dealt with specifically in Goal 6 and, in addition, incorporated throughout the Programme of Action.

Goal 1. Strengthening implementation of the 1951 Convention and 1967 Protocol

Implementation of the 1951 Convention and its 1967 Protocol, which together remain the foundation for international refugee protection, has to be strengthened. In the first instance, the base of State Parties has to be broadened, bringing in all the geographic regions in a more balanced way. More harmonized approaches to refugee status determination, as well as to the interpretation of the 1951 Convention and to the use of complementary forms of protection, are also called for. Resolute responses to the root causes of refugee movements, more effective and predictable responses to mass influx situations, improved reception policies and an environment generally more conducive to refugee protection would contribute to better implementation of the refugee protection regime. Appropriate measures to strengthen supervision of implementation of the 1951 Convention and 1967 Protocol need to be put in place. Refugee protection would also be enhanced by accession to, and effective implementation of, regional refugee instruments, as well as key human rights instruments. There are 12 identified objectives, together with various activities directed towards their realisation, under this overall goal:

1. Universal accession to the 1951 Convention and 1967 Protocol

- UNHCR to carry out a survey of the difficulties States have in acceding to or in implementing the 1951 Convention/1967 Protocol, with a view to assisting States to overcome them.
- States Parties to contribute actively to UNHCR's ongoing accession campaign, which aims to achieve universal accession to the 1951 Convention/1967 Protocol regime.
- States Parties and regional organizations to promote accession in their bilateral contacts and in multilateral fora and inform UNHCR about such initiatives.
- States Parties to give consideration to withdrawing reservations lodged at the time of accession and, where appropriate, to work towards lifting the geographical reservation.

- States Parties, which have not already done so, to ensure that the fundamental principles of the 1951 Convention are incorporated, where this is necessary according to the national legal system, into domestic legislation.

2. Improved individual asylum procedures

- States, through UNHCR's Executive Committee (ExCom), to consider updating past ExCom guidance on the recommended framework for asylum procedures, with a view to promoting greater harmonization in the practice of States.[5]
- States to grant access to asylum procedures and to ensure that their asylum systems provide for effective and fair decision-making, done promptly and with enforceable results, including as regards the return and readmission of those found not to be in need of international protection. Return is important to counter misuse of asylum procedures and maintain the integrity of asylum systems.[6]
- States that have not yet done so to legislate for and set up asylum procedures, benefiting from UNHCR assistance and ExCom guidance. States with established asylum procedures to consider how best to support these initiatives, including with financial and technical assistance where necessary, as a tangible form of international cooperation.[7]
- States to introduce or, as necessary, enhance gender and age-specific safeguards in asylum procedures, with due weight being accorded to the principle of family unity and bearing in mind the requirements of the *Convention on the Rights of the Child* and the *Convention on the Elimination of All Forms of Discrimination against Women*, as well as related UNHCR guidelines; the special needs of particularly vulnerable persons, such as victims of torture or persons with disabilities, should also benefit from necessary safeguards.[8]
- States and UNHCR to work to ensure that claims lodged by female and child asylum-seekers take properly and sensitively into account gender and age specificities, including forms of persecution which have specific gender or age-related aspects.
- States and UNHCR to undertake consultations, preferably within ExCom, on ways to better manage the challenge of increasing claims to refugee status from unaccompanied and separated child asylum-seekers.
- UNHCR to engage in intensified training and in-house capacity-building, while committing more resources to improve the quality and consistency globally of its mandate refugee status determination processes.

3. Provision of complementary forms of protection to those who might not fall within the scope of the 1951 Convention, but require international protection

- Within the framework of its mandate, ExCom to work on a Conclusion containing guidance on general principles upon which complementary forms

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[5] See Conclusion No. 8 (XXVIII) 1977, on the determination of refugee status (A/AC.96/549, para. 53.6); Conclusion No. 30 (XXXIV) 1983 (A/AC.96/631, para. 97.2), on the problem of manifestly unfounded or abusive applications for refugee status or asylum.

[6] See also Goal 2, objective 7.

[7] See also Goal 3, objective 2.

[8] UNHCR's *Guidelines on Gender-Related Persecution* (HCR/GIP/02/01, May 2002), UNHCR's *Guidelines on the Protection of Refugee Women* (Geneva, 1991), UNHCR's *Sexual Violence against Refugee Women: Guidelines on Prevention and Response* (Geneva, 1995 - under revision) and UNHCR's *Refugee Children: Guidelines on Protection and Care* (1994). See also Goal 4, objective 4.

of protection should be based, on the persons who might benefit from it, and on the compatibility of these protections with the 1951 Convention and other relevant international and regional instruments.

- States to consider the merits of establishing a single procedure in which there is first an examination of the 1951 Convention grounds for refugee status, to be followed, as necessary and appropriate, by the examination of the possible grounds for the grant of complementary forms of protection.

4. Exclusion of those undeserving of international refugee protection, including those guilty of terrorist acts

- Given that combating terrorism is primarily a criminal law enforcement issue, but also that abuse of the asylum channel must be prevented, States to put in place measures, with appropriate legal safeguards, to give effect to the exclusion clauses of the Convention, which might include the following: incorporation of the exclusion clauses of the Convention into national legislation; closer cooperation and improved information sharing between immigration/asylum authorities, law enforcement authorities, and, where appropriate, UNHCR; and priority processing of asylum applications by expert personnel where there is a suspicion that the claimant might fall under Article 1 F of the 1951 Convention.[9]
- States to apply the exclusion clauses in a manner which is not prejudicial to any well-founded claim to refugee status by family members of individuals subject to exclusion proceedings.
- UNHCR to revise its *Guidelines on Exclusion* (1996).

5. Closer cooperation in the supervision of implementation of the 1951 Convention and 1967 Protocol

- States, UNHCR and NGOs to identify and work on practical modalities to ensure better cooperation between UNHCR and States Parties in strengthening implementation of the 1951 Convention and 1967 Protocol, and in facilitating UNHCR's duty to supervise international refugee instruments.
- In this regard, and to maintain the positive momentum of the *Global Consultations* process, UNHCR to continue to provide a forum for high-level and participatory dialogue on protection issues, emerging global themes and challenges, as well as specific protection situations, particularly those of an urgent character.
- In this regard also, States to provide more information on their achievements and problems as regards protection in regular meetings of the Standing Committee, paying special attention to protection issues related to women and children.

6. More harmonized interpretation of the 1951 Convention in light of developments in refugee law

- UNHCR to publish the background papers and summary conclusions of the expert roundtables held within the *Global Consultations* framework.
- UNHCR to produce complementary guidelines to its *Handbook on Procedures and Criteria for Determining Refugee Status*, drawing on applicable international legal standards, on State practice, on jurisprudence and

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[9] The application of exclusion clauses should, as appropriate, take closely into account any relevant pronouncements of the Security Council.

using, as appropriate, the inputs from the debates in the *Global Consultations'* expert roundtable discussions.

- UNHCR to continue to organize expert discussions, also involving State practitioners, as the issue might require.
- UNHCR to continue to participate in initiatives and studies organized or undertaken by States, regional organizations and other partners, including NGOs and universities, focusing on refugee law.

7. Further standard-setting

- Consistent with the recognition in the Declaration of States Parties that the international refugee protection regime should be developed further, as appropriate, UNHCR to explore areas that would benefit from further standard-setting, such as ExCom Conclusions or other instruments to be identified at a later stage.

8. Enhanced respect for refugees

- States, UNHCR and other relevant actors to foster a positive and respectful attitude towards refugees, including through,
  - encouraging political leaders to uphold the basic values underpinning the 1951 Convention and 1967 Protocol;
  - making better use of and more broadly distributing public awareness materials which can sensitize civil society to the situation of refugees, including those developed by UNHCR (e.g. as developed for the *Respect*; *Stereotypes*; and *Lanterna Magica* campaigns), as well as educational material (pamphlets and brochures for refugee children and teenagers; and education kits, including teachers' guides).
- States to develop public awareness programmes, with the participation of refugees, which focus on the positive social and cultural contributions that refugees can make, building into these programmes greater use of educational tools such as public service announcements, sports, music and entertainment, in a way which promotes positive messages about tolerance, pluralism and common values, as well as bridge-building.
- States to take measures to combat racism, racial discrimination and xenophobia directed against asylum-seekers and refugees.

9. Adequate reception arrangements

- ExCom to consider adopting a basic framework for reception policies, drawing on applicable international legal standards, in the form of an ExCom Conclusion.
- UNHCR to develop *Guidelines on the Reception of Asylum-Seekers*, paying explicit attention to gender and age-specific considerations, as well as the special needs of victims of torture and/or of violence or the disabled, as well as those with special medical needs.
- UNHCR to monitor reception arrangements and to include information on developments, including difficulties encountered by asylum-seekers, as well as any recommendations, in its reporting on protection situations in various regions to ExCom.
- States more concertedly to explore appropriate alternatives to the detention of asylum-seekers and refugees, and to abstain, in principle, from detaining children.
- States, UNHCR, NGOs and other partners to work with refugee communities to address the needs of unaccompanied and separated child asylum-seekers and refugees, including, as necessary, their temporary placement in foster

families or appointment of State or non-State guardians, and the monitoring of such arrangements.

10. More effective and predictable responses to mass influx situations

- UNHCR to prepare a comparative study on protection responses to mass influxes, which will look at best practices from UNHCR's experience, as well as take into account the views of States, and, at the same time, explore the need for another authoritative text, in addition to the 1951 Convention the 1969 OAU Convention.
- UNHCR to develop and disseminate guidelines to clarify the procedural aspects of exclusion in the context of group determination on a *prima facie* basis.
- States and UNHCR to ensure that emergency responses to mass influxes include community-based activities addressing the specific protection needs of refugee women and refugee children, as well as of vulnerable groups.[10]
- States to promote with the United Nations system, especially UNHCR, more effective engagement in early warning and contingency planning, as appropriate, both to enable countries to better prepare themselves for a potential mass influx of refugees and to ensure more adequate and timely support from the international community.

11. Better registration and documentation of refugees

- In keeping with the *Conclusion on Registration of Refugees and Asylum-Seekers* (No. 91 (LII) (2001)), and bearing in mind confidentiality requirements regarding the use of data, States to register and document female and male refugees and asylum-seekers on their territory on an individual basis as quickly as possible upon their arrival, in a manner which contributes to improving their security, their access to essential services and their freedom of movement.
- UNHCR to work with States towards ensuring the provision of financial and technical support, including as regards training, equipment, and materials to enable, particularly, developing host States to undertake registration and issuance of documents to refugees, in recognition that this is primarily a State responsibility.
- States, UNHCR and relevant partners to ensure that those carrying out registration of camp populations and registration for voluntary repatriation are adequately trained, including in gender and age-sensitive interviewing techniques.
- States and other relevant partners to consider how to make available and accessible their expertise, including through the provision of human resources, to assist UNHCR's ongoing effort to improve its own systems for registration and documentation of refugees.
- UNHCR to issue operational standards and guidelines with regard to registration and population data management, revise its 1994 Registration Guide and develop registration and data management training modules. In addition, UNHCR to strengthen field registration support (methodologies, systems, materials, training and support missions), including by drawing on States' existing expertise and human resources.
- States and UNHCR to introduce new techniques and tools to enhance the identification and documentation of refugees and asylum-seekers, including centrally, biometric features, and to share these with a view towards developing a more standardized worldwide registration system.

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[10] This would include: separated children, the handicapped, the chronically ill, single females, single heads of household, the elderly and victims of torture.

- States to provide necessary documents relating to civil status (e.g. birth, marriage, divorce, death), benefiting from the support and cooperation of UNHCR, where appropriate.
- States, UNHCR and other relevant partners to use registration data to identify and make specific assistance and protection arrangements, where appropriate, for: women with any special protection concerns, unaccompanied and separated children, child- and single-headed households, as well as handicapped refugees and the elderly.

12. More resolute responses to root causes of refugee movements

- States to give greater priority to dealing with root causes, including armed conflict, and to ensure relevant intergovernmental agendas reflect this priority.
- States to use appropriate means at their disposal, in the context of their foreign, security, trade, development and investment policies, to influence developments in refugee-producing countries in the direction of greater respect for human rights, democratic values and good governance.
- States to support the work of the United Nations in the areas of conflict-prevention, conflict-resolution, peace-keeping and peace-building in war-torn States.
- International and regional human rights bodies, as well as development actors, to be encouraged to examine how they can make a more direct impact on refugee situations generated by human rights violations and inter-group disputes, in particular by extending financial and/or technical support to countries of origin willing to establish national human rights commissions, and to put in place measures to improve the functioning of the judiciary and police forces.
- States to give renewed consideration to ratifying the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*, with a view to early accession.
- UNHCR to seek information from States on steps they have taken to reduce statelessness and to meet the protection needs of stateless persons, in keeping with ExCom Conclusion No. 78 (XLVI) (1995), and to report to ExCom on this survey, together with recommendations which might assist in further improving their situation.
- UNHCR, through its field presence, to act as a catalyst, where appropriate, in mitigating circumstances which might lead to refugee flows.

Goal 2. Protecting refugees within broader migration movements

UNHCR's clearly defined responsibilities for refugees and other persons of concern do not extend to migrants generally. It is, at the same time, a fact that refugees often move within broader mixed migratory flows. At the same time, the insufficiency of viable, legal migration options is an added incentive for persons who are not refugees to seek to enter countries through the asylum channel, when it is the only possibility effectively open to them to enter and remain. It is important, given not least the effects on and risks to them, that refugees receive protection without having to resort to a criminal trade that will put them in danger. There is therefore a need to achieve a better understanding and management of the interface between asylum and migration, both of which UNHCR should promote, albeit consistent with its mandate, so that people in need of protection find it, people who wish to migrate have options other than through resort to the asylum channel, and unscrupulous smugglers cannot benefit through wrongful manipulation of available entry possibilities. To improve the protection of refugees within

broader migration movements and to counter misuse of asylum systems, seven objectives and accompanying action have been identified:

1. Better identification of and proper response to the needs of asylum-seekers and refugees, including access to protection within the broader context of migration management

- States to ensure, taking into account relevant multilateral and cross-sectoral consultations, that immigration-control measures are tempered with adequate protection safeguards which appropriately differentiate between refugees, on the one hand, and persons not in need of international protection, on the other, to enable protection needs to be met within the agreed international framework.
- States to develop a coherent policy agenda on migration and asylum that strikes a proper balance between migration control priorities and refugee protection imperatives, and which might include transparent and equitable immigration policies for the purposes of employment and family reunification.
- UNHCR to develop *Guidelines on Safeguards for Interception Measures*, together with a training package for States, intergovernmental organizations and NGOs.
- ExCom to consider adopting a Conclusion focusing on protection safeguards in interception measures.
- UNHCR, States and other stakeholders (e.g. the International Maritime Organization) to seek to reach common understandings on responsibilities in the context of rescue at sea of asylum-seekers and refugees, including with regard to rescue itself, the disembarkation of those rescued and the solutions to be pursued.
- In the broad context of migration management, States to consider acceding to the 1990 *United Nations Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*, and relevant ILO Conventions (notably nos. 97 and 143).

2. Strengthened international efforts to combat smuggling and trafficking

- States to consider acceding to the *2000 United Nations Convention against Transnational Organized Crime* and its *Protocols (against the Smuggling of Migrants by Land, Sea and Air; and to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children)*.
- States to ensure that their own asylum processes are open to receiving claims from individual trafficked persons, especially women and girls who can base their claim to asylum on grounds which are not manifestly unfounded.
- States to publicize penalties for those engaged in smuggling of and trafficking in people.
- UNHCR to explore the convening of an experts meeting focusing on the protection needs of trafficked children.

3. Better data collection and research on the nexus between asylum and migration

- States to generate and share more detailed, comparable, sex- and age-disaggregated statistics on the size, type and composition of migratory flows, to enable a qualitative analysis of the problem and shed light on the causes and ramifications of such international movements. In particular, States to consider tabulating data according to the revised

United Nations Recommendations on Statistics of International Migration (New York, 1998).

- States to examine how to collect and share information on undocumented migration and irregular movers, including on smuggling, travel routes, etc.
- In this regard, the International Organization for Migration (IOM) to be encouraged to carry out a detailed study, in consultation with relevant States and intergovernmental organizations, on migration dynamics, including push and pull factors. UNHCR and IOM to explore with regional and other organizations[11] the undertaking of similar studies or publication of existing data for the regions they cover.

4. Reduction of irregular or secondary movements

- Bearing in mind ExCom Conclusion No. 58 (XL) of 1989 on the *Problem of Refugees and Asylum-Seekers Who Move in an Irregular Manner from a Country in which They had already Found Protection*, UNHCR, in cooperation with relevant partners, to analyze the reasons for such movements, and propose strategies to address them in specific situations, predicated on a more precisely articulated understanding of what constitutes effective protection in countries of first asylum, and taking into account international solidarity and burden-sharing.
- UNHCR to work with States of origin, transit and destination and other partners, including IOM, on a package of measures which might be brought into play, as part of a comprehensive plan of action, for particular irregular or secondary movement situations.

5. Closer dialogue and cooperation between UNHCR and IOM

- UNHCR and IOM to deepen cooperation, within the framework of the *Action Group on Asylum and Migration* (AGAMI), established in November 2001, working in consultation with interested States and other intergovernmental organizations[12] and NGOs, with the aim of furthering understanding of the nexus between asylum and migration and enhancing each organization's capacity to contribute to States' efforts to develop policies and programmes on asylum and migration. In this regard, AGAMI to identify and analyze the issues within the migration/asylum nexus, deepen understanding of the nexus, address conceptual[13] as well as specific operational[14] issues and promote better information-sharing.
- UNHCR to keep States and other interested actors informed of the consultation process within AGAMI.

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[11] Such as the Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants (APC), the Council of Europe, the Economic Community of West African States (ECOWAS), the Economic Cooperation Organization (ECO), the European Union (EU), the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia (IGC), the Organization for Security and Cooperation in Europe (OSCE), the South Asian Association for Regional Cooperation (SAARC) and the Southern African Development Community (SADC).

[12] These could include the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO) and the Special Rapporteur on the Human Rights of Migrants, as appropriate.

[13] Such as terminology, research and data collection, as well as qualitative analysis.

[14] Such as interception by States of smuggled and trafficked persons and safeguards to ensure access to asylum procedures, information and public awareness activities, as well as training of public officials.

6. Information campaigns to ensure potential migrants are aware of the prospects for legal migration and the dangers of human smuggling and trafficking

- States, working together with IOM and other concerned intergovernmental bodies, such as the Office of the United Nations High Commissioner for Human Rights (OHCHR), the International Labour Organization (ILO), and NGOs, to develop a model information campaign, which would provide relevant information on available channels for legal immigration and warn of the dangers of smuggling and trafficking, and which would present materials in a manner accessible to those it seeks to reach, drawing on models already in place or under development. Material clarifying international protection responsibilities to be included.

7. Return of persons found not to be in need of international protection

- States, working in consultation with relevant intergovernmental organizations, notably IOM, but also UNHCR and, as appropriate, NGOs, to develop strategies, including involving bilateral and regional readmission agreements, to promote return and readmission of persons not in need of international protection, in a humane manner and in full respect for their human rights and dignity, without resort to excessive force and, in the case of children, taking due account of their best interests.
- States, IOM and UNHCR to cooperate, as appropriate, in removing obstacles to the speedy return of asylum-seekers found not to be in need of international protection, predicating their activities on the obligation of States to readmit their own nationals.
- ExCom to consider adopting a Conclusion providing guidance to States on their obligation to accept and facilitate the return of their nationals and related issues.

Goal 3. Sharing of burdens and responsibilities more equitably and building of capacities to receive and protect refugees

The Declaration of States Parties recognizes that respect by States for their international protection responsibilities towards refugees is strengthened through international solidarity and that the refugee protection regime is enhanced through committed international cooperation in a spirit of responsibility and burden-sharing among all States. To achieve effective cooperation on refugee matters, there must be closer dialogue and multilateral "ownership" of refugee problems and their resolution. The Programme of Action is throughout premised on the need for a multilateral approach to ensure that burdens and responsibilities will be shared more equitably. Clearly performance of protection improves with strengthened national capacity, so that investment in capacity-building has to be made a more integral part of the regular operational response to any new emergency involving refugees. NGOs and other members of civil society play a particularly important role directly in protecting and assisting refugees and asylum-seekers, but also in strengthening protection capacities. Incorporating refugee issues within national and regional development agendas can help to reduce the gap between humanitarian assistance and development efforts, making a positive contribution to the longer-term welfare of host communities and making protection-based solutions more sustainable. To achieve a more equitable sharing of burdens and responsibilities and to build capacities to receive and protect refugees and resolve their problems on a durable basis, six objectives, with accompanying activities, have been identified:

1. Better responsibility-sharing arrangements to shoulder the burdens of first asylum countries

- UNHCR to promote better responsibility-sharing in mass influx situations, using and elaborating on, where appropriate, the suggested "tool kit" mechanisms as a starting point, and to work on arrangements which might be put in place to coordinate a comprehensive approach based on burden-sharing.
- UNHCR and States to examine the desirability and feasibility of an ExCom Conclusion setting out framework considerations for responsibility-sharing, which might draw on the outcome of current efforts by the Standing Committee to measure capacity and contributions of developing host countries.
- States to consider the usefulness of specific burden-sharing agreements, negotiated either bilaterally or multilaterally, to contribute to consistency and sustainability in the international response to mass influx and protracted refugee situations.
- States and UNHCR to encourage international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for and conditions of financial lending schemes.
- States to explore with intergovernmental organizations and the private sector how to better resource trust funds (e.g. Refugee Education Trust) or scholarship schemes (e.g. Albert Einstein Academic Scholarship Programme for Refugees) which expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents.
- UNHCR, in collaboration with host governments, United Nations specialized agencies, NGOs and other relevant actors, to evaluate the impact of refugees on host country economies, society, environment and security, especially in protracted refugee situations.

2. More effective cooperation to strengthen protection capacities in refugee-receiving countries

- UNHCR and States, in cooperation with NGOs, to develop and implement concrete models to strengthen protection capacities, based on best practice, in refugee-receiving countries and at regional level. These should also aim to reduce the need for asylum-seekers and refugees to move on in an irregular manner by making protection available and generating solutions.
- In this regard, States to target financial and technical assistance in a manner that boosts the capacity of countries of first asylum to meet basic protection needs and to provide essential services, including education, as well as vocational training.
- UNHCR to develop further the capacity-building guiding principles and framework annexed to its note presented at the September 2001 *Global Consultations* meeting.[15] In addition, UNHCR will develop a *Handbook on Strengthening Capacities in Host Countries for the Protection of Refugees*, to provide its staff and partners with a tool to achieve a more consistent approach to strengthening protection capacities. At the same time, UNHCR to maintain an updated catalogue of initiatives and activities in this area, drawing on Annex II of the note.[16]
- Depending on the level of interest, UNHCR to convene regional/sub-regional workshops, involving States and NGOs, with the purpose of devising and implementing specific country or regional strategies.

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15 See *Strengthening Protection Capacities in Host Countries*, EC/GC/01/19.

16 *Ibid.*

- UNHCR to identify where activities to strengthen capacity are most needed, establish priorities among the various activities, and identify host countries requiring support. UNHCR will facilitate the pairing of needs with concrete offers of support and expertise by States, intergovernmental organizations, NGOs, the private sector and other actors.
- States and NGOs to explore expansion of "twinning" projects.[17]
- UNHCR to approach States that made offers of technical and other support during the *Global Consultations* (e.g. for the training of border officials or of those involved in refugee status determination) to confirm their offers of support. These will then be maintained by UNHCR in a register and drawn upon, where appropriate.
- The Working Group on Resettlement to continue to examine the relationship between protection capacity and resettlement.

3. Strengthened partnerships for protection with civil society, including NGOs

- States to examine how to accord NGOs improved legal status though creating a clear legal framework for their operations.
- UNHCR to continue to strengthen partnerships for protection and awareness-raising, not only with host and donor governments (including national and regional legislatures), but also NGOs, other actors of civil society, as well as refugee men, women and children.
- UNHCR and NGOs to intensify their cooperation to identify and address protection problems, especially where the latter have a field presence.

4. Refugee communities empowered to meet their own protection needs

- States, UNHCR and other partners to put in place or mobilize community-based systems and networks, including in particular for the protection of women and children, at the outset of the emergency phase through to the attainment of durable solutions.
- UNHCR to disseminate widely and promote better understanding of its community development strategy[18] and to train staff, government officials and partners in its proper application.
- States, UNHCR and partners to consider ways to enable refugees, including in particular women and adolescents, to use their skills and capacities, in recognition that empowered refugees are better able to contribute to their own and their communities' protection.

5. Refugee issues anchored within national and regional and multilateral development agendas

- States to consider allocating development funds, possibly a percentage thereof, to programmes simultaneously benefiting refugees and the local population in host countries.
- States to consider including refugee-hosting areas in their national development plans, and UNHCR to encourage multilateral and bilateral development partners to extend tangible support for such initiatives and to submit periodic reports on its activities.

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[17] These are projects whereby civil servants from national administrations make themselves available to assist other States with less developed protection structures to build up expertise in the different areas.

[18] See *Reinforcing a Community Development Approach, EC/51/SC/CRP.6* (15 February 2001).

- UNHCR and States to explore new funding strategies with the private sector.

6. Resettlement used more effectively as a tool of burden sharing[19]

- States to examine how more flexible resettlement criteria could be applied with regard to refugees recognized on a *prima facie* basis in mass displacement situations to whom Article 1 F does not apply, coupled with, as appropriate, temporary humanitarian evacuation programmes.
- The Working Group on Resettlement to examine further the potential use of resettlement as a burden-sharing tool, which would include the issue of criteria to be applied in mass displacement situations, especially where the prospect of other durable solutions is remote or absent.
- States and UNHCR to examine ways in which resettlement capacities can be enhanced, e.g. through increased partnerships with NGOs and other relevant partners.

Goal 4. Addressing security-related concerns more effectively

Security problems confronting refugees can take many forms. The breakdown in social and cultural structures and norms, the separation from and loss of family members and community support, and impunity for perpetrators of crimes and violence make refugees, particularly women and children, especially vulnerable. Refugee women and girls are often subject to specific forms of abuse, such as rape, abduction, trafficking, or demands for sexual favours in exchange for offers of protection, documents or assistance. Refugee children, especially girls, are at even greater risk of sexual exploitation, violence and abuse. Refugee children, including adolescents, are often also prone to forcible recruitment by armed groups and national armed forces where refugee camps are located in close proximity to zones of armed conflict. The presence of armed elements in an influx of refugees, or in camps or refugee-populated areas, can exacerbate all of the above problems and, moreover, generate serious security concerns for refugees, receiving States and host communities. Drawing a distinction between refugees, on the one hand, and armed elements, on the other, while a major challenge, is clearly in the interest of States and of refugees. States may require technical support and dedicated resources to ensure security of refugees, refugee camps and refugee-hosting areas and, more generally, to preserve the civilian character of asylum. Progress in addressing security-related concerns will first of all hinge on the commitment of the country of asylum, but may also require the active involvement of the Security Council, where these concerns are being discussed, the Department of Peacekeeping Operations (DPKO) and organizations with specific competence in situations of armed conflict, such as the International Committee of the Red Cross (ICRC). To address security-related concerns more effectively, four objectives, together with accompanying activities, have been identified.

1. The resourcing of States for securing the safety of refugees and for the separation of armed elements from refugee populations

- ExCom to give policy directions through adoption of a Conclusion that would set out guiding considerations for the preservation of the civilian character of asylum.
- UNHCR to develop practical tools, including operational guidelines that include procedures and standards (in consultation with States, relevant

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[19] Refer also to Goal 5.

United Nations entities and other interested agencies, such as the ICRC) and to work with these partners in their pilot application in certain specifically identified refugee situations.

- UNHCR to develop its own institutional capacity, through an enhanced refugee security project, to assist States in ensuring the physical safety of refugees.
- States to work in good faith, drawing on ExCom guidance, in giving priority to preserving the civilian character of asylum, including by making genuine efforts to separate combatants from refugee populations, and to ensure the physical security of refugees.
- To establish a viable operational framework for ensuring refugee security, States to explore practical arrangements for cooperation on security issues with UNHCR, the Department of Peacekeeping Operations (DPKO) and other segments of the United Nations.
- States and UNHCR to explore how to provide material support to UNHCR to establish standby mechanisms for the deployment of human security officers in refugee situations, including emergencies in which insecurity is a serious problem.
- UNHCR to identify partnership opportunities between host governments, donors and UNHCR to strengthen national capacity to manage refugee-related security issues.

2. Keeping the Secretary-General and the Security Council seized with the issue

- The United Nations Secretary-General and the Security Council to be kept advised and thereby actively seized with serious security problems in refugee areas. UNHCR will continue to keep both regularly informed.

3. Prevention of military recruitment of refugees, including refugee children

- States to take concrete measures to reduce the risk of and, to the extent possible, prevent the forcible recruitment of refugees, in particular refugee children, including by ensuring access to education and vocational training.
- States that have not yet ratified the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* to consider doing so, with a view to early accession.
- States, UNHCR and other humanitarian partners to raise awareness of and conduct training on the prevention of military recruitment among refugee populations.
- States, the United Nations Children's Fund (UNICEF) and other actors, including UNHCR, where appropriate, to set up special programmes to disarm, demobilize and reintegrate child soldiers who are among refugee populations, equally benefiting and addressing the particular situation of male and female child soldiers.

4. Prevention of age-based and sexual and gender-based violence

- UNHCR to work with States and humanitarian partners to ensure the full implementation of its *Guidelines on the Protection of Refugee Women* (Geneva, 1991), and on *Sexual Violence against Refugee Women: Guidelines on the Prevention and Response* (Geneva, 1995 - under revision), as well as the High Commissioner's *Commitments to Refugee Women* (12 December 2001) and the *Policy on Protection from Sexual Exploitation*, which is being developed by the Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation.

- States, UNHCR and other relevant actors to adopt measures to ensure that gender and age-sensitive prevention and response mechanisms, including remedial actions, to sexual and gender-based violence and exploitation, including a complaints mechanism and an appropriate staff accountability framework, are an integral part of all programmes in all refugee contexts, and include relevant educational and awareness-building programmes targeting men, women and children.[20]
- UNHCR and its partners to set in place a clear accountability structure for the protection of refugee women and refugee children from age-based and sexual and gender-based violence and ensure that applicable codes of conduct are respected in all humanitarian operations.
- States to provide appropriate legal and rehabilitative remedies and to follow-up on the Yokohama Global Commitment.[21]
- States, UNHCR and other humanitarian partners to conduct training and capacity-building on the rights and needs of survivors of sexual exploitation, violence and abuse.

Goal 5. Redoubling the search for durable solutions

Millions of refugees around the world presently have no access to timely and durable solutions, the securing of which is one of the principal goals of international protection. There is a need for more coherence by integrating voluntary repatriation, local integration and resettlement, whenever feasible, into one comprehensive approach, implemented in close cooperation among countries of origin, host States, UNHCR and its humanitarian and development partners, especially NGOs, as well as refugees. As an interim response, the promotion of self-reliance of refugees is an important means to avoid dependency, take advantage of the initiative and potential contributions of refugees, and prepare them for durable solutions. The success of the search for durable solutions depends in large measure on resolute and sustained international cooperation and support. Concerted action is called for, in particular, to resolve protracted refugee situations through a well-balanced package of support for the different durable solutions envisaged. In this context, the Programme of Action recognizes that voluntary repatriation in conditions of safety and dignity remains the preferred solution for refugees. Resettlement, too, will have to find its place both as a vital tool for protection and also as an instrument of international solidarity and burden-sharing. Local integration, as well, has proven instrumental in resolving the plight of particular refugees or groups of refugees. To redouble the search for durable solutions, eight objectives and accompanying actions have been identified:

1. Realization of comprehensive durable solutions strategies, especially for protracted refugee situations

- UNHCR to undertake a review of all protracted refugee situations, with a view to exploring with States and other partners the feasibility of comprehensive plans of action, bringing into play each of the available durable solutions, to be implemented in close consultation with countries of origin, host countries, resettlement countries, and refugees themselves.

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[20] Using the Framework of Action to Address the Problem of Child Abuse in West Africa as an important inventory of measures, which may also be relevant in other situations, particularly for the protection of refugee children.

[21] Second World Congress against Commercial Sexual Exploitation, held in Yokohama (Japan), 17-20 December 2001.

- The Working Group on Resettlement to explore how strengthening capacity in host countries affects the pursuit of one or other available durable solution(s), as well as a more strategic use of resettlement, including within regions affected by refugee movements.

2. Improved conditions for voluntary repatriation

- Countries of origin, working in cooperation with UNHCR and relevant partners, including OHCHR, to commit themselves to respecting the right to return and receiving back their refugees within an acceptable framework of physical, legal and material safety, achievable, for example, through amnesties, human rights guarantees, and measures to enable the restitution of property, all of which should be appropriately communicated to refugees.
- In this regard also, countries of origin to explore more actively initiatives in the socio-economic, cultural and political spheres, to foster reconciliation and dialogue, particularly with refugee communities, and to ensure respect for the rule of law.
- States to put in place more coherent and comprehensive support to countries of origin, to assist them to discharge their responsibility to ensure the legal, physical and material security of refugees.
- States to facilitate the participation of refugees, including women, in peace and reconciliation processes and to ensure that such agreements duly recognize the right to return and contemplate measures to encourage repatriation, reintegration and reconciliation.
- Countries of origin and asylum, working in cooperation with UNHCR, to promote voluntary repatriation *inter alia* through the conclusion of tripartite agreements and measures facilitating decisions on return, such as "go-and-see visits", information sessions involving exchanges between refugees and home-country officials, and similar confidence-building measures, as well as, resources permitting, enhanced UNHCR field presence to allow continuous monitoring and to contribute to the creation of normal and peaceful conditions to facilitate repatriation.
- ExCom to adopt a Conclusion addressing legal safety issues, including property concerns, as a complement to Conclusion No. 40 (XXXVI) on voluntary repatriation.
- States and UNHCR to ensure that gender and age-related issues particular to a repatriation or reintegration programme are identified at an early stage and are fully taken into account in the planning and implementation of voluntary repatriation programmes.
- States and UNHCR to ensure that both women and men are given an opportunity to make a free and fully informed decision regarding return and to sign individually the Voluntary Repatriation Form, fully respecting the need for confidentiality.

3. Strengthened cooperation to make repatriation sustainable

- UNHCR to update its 1996 *Handbook on Voluntary Repatriation*, with a sharpened focus on measures to strengthen cooperation among all concerned actors and build confidence.
- UNHCR and other relevant partners to assist the process of reconciliation by ensuring that planning and programming for repatriation include measures to encourage reconciliation, through promoting equity between returnees, displaced persons and local residents in access to essential services and participation in public life.
- States and UNHCR to ensure that planning for repatriation includes the early involvement of development partners, as a means to contribute to the

sustainability of repatriation and to facilitate UNHCR's timely hand-over and exit.

- States, UNHCR and development partners to adopt, as appropriate and in a spirit of partnership, a community-based focus regarding investment in reintegration, which benefits returnees as well as the local population, and which accords sufficient priority to housing and essential services, to increase absorption capacity and contribute to reconciliation.
- States to take measures to ensure equal rights for returnee women in access to housing, property and land restitution.
- States, UNHCR and other partners to give priority to ensuring that education possibilities are available to returnees in the country of origin, and that access is facilitated through arrangements which certify education, vocational or other training received while in exile.

4. Local integration having its proper place as part of a comprehensive strategy for durable solutions

- ExCom to set out framework considerations for implementing the solution of local integration, in the form of a Conclusion sensitive to the specificities of refugee needs, international and national legal standards, as well as the socio-economic realities of hosting countries. In this regard, a gender and age-sensitive community-development approach to local integration to be promoted, taking into account, as possible and appropriate, needs of both the refugees and the local population.
- States to examine where, when and how to promote the grant of a secure legal status and residence rights, which could include the opportunity to become naturalized citizens of the country of asylum, for refugees who have already attained a considerable degree of socio-economic integration.
- States, working in partnership with international and regional development actors, to contribute to the realization of local integration through burden-sharing, which ensures that the necessary resources are available to underpin self-reliance and local integration, in a manner that sustains the viability of local communities affected by their presence.

5. Expansion of resettlement opportunities

- UNHCR to work to enhance protection through an expansion of the number of countries engaged in resettlement, as well as through more strategic use of resettlement for the benefit of as many refugees as possible, taking, however, into account the resource implications thereof.
- States that do not yet offer resettlement opportunities to give active consideration to making some resettlement places available.
- States and UNHCR, in cooperation with NGOs, to develop capacity-building programmes with new resettlement countries, involving training, as well as "twinning" and related support.
- States that offer resettlement opportunities to consider increasing their resettlement quotas, diversifying their intake of refugee groups, and introducing more flexible resettlement criteria.[22]
- States to put in place policies to ensure that resettlement runs in tandem with a more vigorous integration policy, aimed at enabling refugees having durable residence status to enjoy equality of rights and opportunities in the social, economic and cultural life of the country, especially as regards: education, including language training and skills development; the labour market; family reunification; and citizenship.

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[22] See also Goal 3, objective 6.

6. More efficient use of resettlement both as a protection tool and as a durable solution

- States and UNHCR, working in cooperation with NGOs, to streamline requirements for the processing of applications for resettlement, with a stronger focus on protection needs.
- States and UNHCR to explore the feasibility of establishing a central biometric registration system to support the identification of refugees in need of resettlement.
- States and UNHCR to examine how to carry out earlier analysis of data deriving from refugee registration, to anticipate the needs for resettlement of individuals or specific groups and to process more rapidly the resettlement applications, particularly in emergency situations.
- States and UNHCR to give increased attention to gender-related protection needs in their resettlement programmes, in addition to the women-at-risk category.
- UNHCR to improve methods and mechanisms to minimize the potential for malfeasance and address corruption and fraud, and to keep ExCom informed of this effort.
- States and UNHCR to ensure the availability of increased resources for resettlement activities, integrated in a balanced way in each geographic operation.

7. Achievement of self-reliance for refugees

- UNHCR and States to ensure that, from the outset, assistance programmes for refugees integrate strategies for self-reliance and empowerment. In this regard, UNHCR to act as a catalyst in mobilizing financial and technical support for such measures.
- In this regard also, UNHCR and States to look at relief-substitution strategies[23], tapping in particular the resourcefulness and potential of refugee women, in an effort also to avoid the serious protection problems, including sexual and gender-based violence, which can result from over-dependency and idleness.
- States to consider expanding possibilities for education, vocational training, and agricultural and other income-generating programmes, benefiting men and women equitably.
- States, UNHCR and humanitarian partners to ensure that refugees, particularly refugee women and adolescents, and host communities themselves, participate in the design and development of self-reliance programmes.
- States, UNHCR and humanitarian and development partners to work with host countries on further developing integrated approaches that can strengthen the absorption capacity of refugee-hosting areas.
- UNHCR to initiate a study of economic and social conditions for refugees in host States, with emphasis on national employment legislation, as well as an inventory of best practices for self-reliance strategies, to provide States with practical operational tools to turn principles into concrete measures.

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[23] Efforts involving both refugees and local communities in producing certain items (e.g. cooking oil, flour, blankets, stoves).

8. Rehabilitation of refugee-impacted areas in former host countries

- States, UNHCR and development partners to assess how they can best promote and positively contribute to efforts of the international community to provide for the rehabilitation of refugee-impacted areas in former countries of asylum.

Goal 6: Meeting the protection needs of refugee women and refugee children

Refugee women and refugee children account for the vast majority of the world's refugees and beneficiaries of UNHCR programmes. The international community and UNHCR have developed a wealth of international norms, policies and guidelines to improve the protection and care of refugee women and refugee children. In practice, there is still a gap in the application and implementation of these, owing to resource constraints (both financial and human), uneven priorities and accountability at the level of institutions, but also within the international community. The protection of refugee women and children is both a core activity and an organizational priority for UNHCR. To protect refugee women and children, a three-pronged approach is called for, which proceeds within a rights-based framework, which contains targeted actions, and which is solidly premised on mainstreaming both gender equality and age-sensitivity.[24] The main protection concerns facing refugee women and refugee children are inter-related, cannot be treated in isolation from each other, and require strong partnership amongst all concerned partners. Specific activities to address protection needs of refugee women and refugee children are reflected under other goals and objectives of the Programme of Action. Two additional framework objectives, with some accompanying activities, are set out below:

1. Measures to improve the framework for the protection of refugee women

- States, UNHCR and partners to set in place measures to ensure that refugee women participate equitably in decision-making in all areas of refugee life, as well as in the implementation of such decisions, and that protection- and gender-sensitive approaches are applied at every stage of programme development, implementation, monitoring and evaluation.
- States to consider acceding to the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) and its *Optional Protocol*.
- UNHCR to review the recommendations contained in the Women's Commission for Refugee Women and Children's assessment of UNHCR's Guidelines on the Protection of Refugee Women[25] and to ensure timely and appropriate follow-up, with timeframes, as appropriate.
- UNHCR to finalize revision of the *1991 Guidelines on the Protection of Refugee Women*, taking into account relevant findings of the Women's Commission for Refugee Women and Children's Assessment of implementation of the guidelines.

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[24] Recommendations for action on behalf of refugee women and children have been drawn from recent independent evaluations of UNHCR's activities for refugee women and children, Global Consultations and other meetings, international human rights law, Executive Committee Conclusions, guidelines and policies. See *An independent evaluation of the impact of UNHCR's activities in meeting the rights and protection needs of refugee children*, EPAU/2002/02 (May 2002) and *UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation* (May 2002).

[25] *UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation* (May 2002)

- UNHCR to ensure continuous dissemination and to monitor implementation of the *Guidelines on Gender-Related Persecution*, *Guidelines on the Protection of Refugee Women*, and *Sexual Violence against Refugee Women: Guidelines on Prevention and Response*.
- UNHCR to ensure that Country Operation Plans (COPs) and Annual Protection Reports fully address critical women's rights issues, including detailed reporting on activities carried out and results achieved, and incorporate, where appropriate, plans of action for protection, developed with partners and refugees themselves.
- States, UNHCR and other actors to ensure that a gender-equality perspective is mainstreamed into all training and learning programmes.

2. Measures to improve the framework for the protection of refugee children

- States, UNHCR and partners to set in place measures to ensure that, as appropriate, refugee children and adolescents participate equitably in decision-making in all areas of refugee life, as well as in the implementation of such decisions, and that protection and age-sensitive approaches are applied at every stage of programme development, implementation, monitoring and evaluation.
- States that have not yet ratified the *Convention on the Rights of the Child* and its *Optional Protocols on the Involvement of Children in Armed Conflict* and *on the Sale of Children, Child Prostitution and Child Pornography*, and the *1993 Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption* to consider doing so, and States Parties to these instruments to implement them in good faith.
- States, UNHCR and humanitarian partners to continue, or establish, programmes to inform refugee children of their rights and encourage their participation in identifying protection problems, actions to alleviate them and decisions affecting them.
- States, UNHCR and humanitarian partners to continue, or set in place, training programmes on the rights of refugee children, drawing as appropriate on the *Convention on the Rights of the Child*, other relevant standards of human rights and international humanitarian law and UNHCR's guidelines on the protection and care of refugee children.
- UNHCR to ensure continuous dissemination and to oversee implementation of the guidelines on the protection and care of refugee children.
- UNHCR to establish a monitoring process to measure implementation of the above *Guidelines* as well as follow-up on the recommendations made in the independent evaluation *Meeting the Rights and Protection Needs of Refugee Children* (May 2002).
- UNHCR to ensure that Country Operation Plans (COPs) and Annual Protection Reports fully address critical children's rights issues, including detailed reporting on activities carried out and results achieved, and incorporate, where appropriate, plans of action for protection developed with partners and refugee children themselves.
- UNHCR to enhance its partnership with UNICEF and Save the Children, to improve training and capacity-building within the framework of the *Action on the Rights of Children* (ARC) project, and to give priority to training government and partner counterparts, as well as their own staff.
- States to accord importance to primary and secondary education for refugees, including by providing funding to host States and UNHCR, in recognition that education is an important tool of protection.

Annex

LIST OF DOCUMENTS[26]

A. Third Track Meeting on the theme: "Protection of Refugees in Mass Influx Situations", 8-9 March 2001

- *Protection of Refugees in Mass Influx Situations: Overall Protection Framework*, EC/GC/01/4, 19 February 2001
- *The Civilian Character of Asylum: Separating Armed Elements from Refugees*, EC/GC/01/5, 19 February 2001
- *Practical Aspects of Physical and Legal Protection with Regard to Registration*, EC/GC/01/6, 19 February 2001
- *Mechanisms of International Cooperation to Share Responsibilities and Burdens in Mass Influx Situations*, EC/GC/01/7, 19 February 2001
- *Global Consultations - Protection of Refugees in Mass Influx (8-9 March 2001): Chairman's Summary*
- *Global Consultations on International Protection: Report of the First Meeting in the Third Track*, EG/GC/01/8/Rev.1, 28 June 2001
- *Global Consultations - Follow-up to the First Meeting of the Third Track: Refugees in Mass Influx Situations* (See Annex II of the *Update on Global Consultations on International Protection*, EC/51/SC/CRP.12, 30 May 2001)

B. Third Track Meeting on the theme: "Protection of Refugees in the Context of Individual Asylum Systems", 28-29 June 2001

- *Refugee Protection and Migration Control: Perspectives from UNHCR and IOM*, EC/GC/01/11, 31 May 2001
- *Asylum Processes (Fair and Efficient Asylum Procedures)*, EC/GC/01/12, 31 May 2001
- *Access to Procedures, "Safe Third Countries", "Safe Countries of Origin" and "Time Limits"*, Joanne van Selm, June 2001
- *Global Consultations - Protection of Refugees in the Context of Individual Asylum Systems (28-29 June 2001): Chairman's Summary*
- *Global Consultations on International Protection: Report of the Second Meeting in the Third Track (28-29 June 2001)*, EC/GC/01/15/Rev.1, 27 September 2001
- *Global Consultations on International Protection - Follow-up to the Second Meeting of the Third Track: Protection of Refugees in the Context of Individual Asylum Systems*, EC/GC/01/20, 18 September 2001

C. Third Track Meeting on the theme: "Protection of Refugees in the Context of Individual Asylum Systems", 27-28 September 2001

- *Reception of Asylum-Seekers, including Standards of Treatment, in the Context of Individual Asylum Systems*, EC/GC/01/17, 4 September 2001
- *Complementary Forms of Protection*, EC/GC/01/18, 4 September 2001
- *Strengthening Protection Capacities in Host Countries*, EC/GC/01/19, 4 September 2001

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[26] All of the documents cited are available on the Global Consultations page of UNHCR's website at www.unhcr.ch.

Annex

- *Global Consultations - Protection of Refugees in the Context of Individual Asylum Systems (27-28 September 2001): Chairman's Summary*
- *Global Consultations on International Protection: Report of the Third Meeting in the Third Track (27-28 September 2001)*, EC/GC/02/2, 16 April 2002
- *Global Consultations - Follow-up to the Third Meeting of the Third Track: Protection of Refugees in the Context of Individual Asylum Systems*, EC/GC/02/3, 16 April 2002

D. Third Track Meeting on the themes: "The Search for Protection-based Solutions" and "Protection of Refugee Women and Refugee Children", 22-24 May 2002

- *Voluntary Repatriation*, EC/GC/02/5, 25 April 2002
- *Local Integration*, EC/GC/02/6, 25 April 2002
- *Strengthening and Expanding Resettlement Today: Dilemmas, Challenges and Opportunities*, EC/GC/02/7, 25 April 2002
- *Refugee Women*, EC/GC/02/8, 25 April 2002
- *Refugee Children*, EC/GC/02/9, 25 April 2002
- *Global Consultations on International Protection: Report of the Fourth Meeting of the Third Track* EC/GC/02/10, 14 June 2002
- *Global Consultations-The Search for Protection-Based Solutions and Protection of Refugee Women and Refugee Children (22-24 May 2002): Chairman's Summary*

E. Regional Meetings

- *UNHCR Regional Symposium on Maintaining the Civilian and Humanitarian Character of Asylum, Refugee Status, Camps and Other Locations*, EC/GC/01/9, 30 May 2001 (Pretoria, South Africa)
- *Regional Workshops in Ottawa, Ontario and in Macau, Incorporating Refugee Protection Safeguards into Interception Measures*, EC/GC/01/13, 31 May 2001 (Ottawa, Ontario, Canada; and Macau SAR, China)
- *Global Consultations on International Protection: Budapest Regional Meeting*, EC/GC/01/14, 15 June 2001 (English only)
- *Global Consultations on International Protection: San José Regional Experts Meeting*, 7-8 June 2001
- *Strengthening the Capacity of Countries of First Asylum in the Region to offer Adequate Protection: Regional Meeting in Cairo*, EC/GC/01/21, 20 September 2001
- *Nordic Resettlement Meeting: Resettlement as a Multi-faceted Protection Tool and its Relationship to Migration*, Oslo, EC/GC/02/4, 16 April 2002

F. Additional Events in Support of the Global Consultations Process

- *EU Seminar on Children Affected by Armed Conflict and Forced Displacement - A Child Rights Perspective in Development Co-operation and Migration Policies: Conclusions by the Swedish EU Presidency*, Norrköpping, 1-2 March 2001
- *Improving the Security of Refugee and Displaced Women: Recommendations for Policy and Practice from International Expert Seminar* issued by the Norwegian Institute of International Affairs, Oslo, 24-25 January 2002 [The seminar was initiated and funded by the Norwegian Ministry of Foreign Affairs and organised by the Norwegian Institute of International Affairs,

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- in co-operation with the International Peace Research Institute and the Norwegian Refugee Council.]

G. Second Track - Lisbon Expert Roundtable, 3-4 May 2001

- *Current Issues in Cessation of Protection under Article 1C of the 1951 Convention and Article I.4 of the 1969 OAU Convention*, Joan Fitzpatrick, Jeffrey and Susan Brotman, 2001
- *Current Issues in the Application of the Exclusion Clauses*, Geoff Gilbert, 2001
- *When is Protection No Longer Necessary? - The "Ceased Circumstances" Provisions of the Cessation Clauses: Principles and UNHCR Practice, 1973-1999*, Rafael Bonoan, 24 April 2001
- *Lisbon Expert Roundtable, 3-4 May 2001, Summary Conclusions - Cessation of Refugee Status*
- *Lisbon Expert Roundtable, 3-4 May 2001, Summary Conclusions - Exclusion from Refugee Status*. EC/GC/01/2Track/1 (English only)

H. Second Track - Cambridge Expert Roundtable, 9-10 July 2001

- *Supervising the 1951 Convention on the Status of Refugees: Article 35 and Beyond*, Walter Kälin, 2001
- *The Scope and the Content of the Principle on Non-Refoulement*, Opinion, Sir Elihu Lauterpacht CBE QC, Daniel Bethlehem, 20 June 2001
- *Cambridge Expert Roundtable, 9-10 July 2001, Summary Conclusions - Supervisory Responsibility*
- *Cambridge Expert Roundtable, 9-10 July 2001, Summary Conclusions - The Principle of Non-Refoulement*

I. Second Track - San Remo Expert Roundtable, 6-8 September 2001

- *Gender-Related Persecution*, Roger Haynes, 10 August 2001
- *Internal Protection/Relocation/Flight Alternative as an Aspect of Refugee Status Determination*, James C. Hathaway, Michelle Foster, 2001
- *Membership in a Particular Social Group: Analysis and Proposed Conclusions*, T. Alexander Aleinikoff, 2001
- *San Remo Expert Roundtable, 6-8 September 2001, Summary Conclusions - Internal Protection/Relocation/Flight Alternative*
- *San Remo Expert Roundtable, 6-8 September 2001, Summary Conclusions - Gender-related Persecution*
- *San Remo Expert Roundtable, 6-8 September 2001, Summary Conclusions - Membership of a Particular Social Group*

J. Second Track - Geneva Expert Roundtable, 8-9 November 2001

- *Family Unity and Refugee Protection*, Kate Jastram, Kathleen Newland, 2001
- *Article 31 of the 1951 Convention relating to the Status of Refugees: Non-Penalization, Detention and Prosecution*, Guy S. Goodwin Gill, October 2001
- *Geneva Expert Roundtable, 8-9 November 2001, Summary Conclusions on Family Unity*
- *Geneva Expert Roundtable, 8-9 November 2001, Summary Conclusions on Article 31 of the 1951 Convention relating to the Status of Refugees - Revised*

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K. First Track - Ministerial Meeting of States Parties, Geneva, 12-13 December 2001

- *Report of the Preparatory Session of the Ministerial Meeting of States Parties*, HCR/MMSP/2001/03 and HCR/MMSP/2001/03/Corr.1
- *Background Notes for the Roundtables of the Ministerial Meeting*, HCR/MMSP/2001/04
- *Declaration of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/MMSP/2001/9
- *Report of the Ministerial Meeting of States Parties to the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*, HCR/MMSP/2001/10

L. Endorsements of the Process

- Inter-Parliamentary Union Council Resolution on the 50th Anniversary of the adoption of the 1951 Convention, Havana, 7 April 2001
- Organization of American States Resolution on the Protection of Refugees, Returnees and Internally Displaced Persons in the Americas, San Jose, 5 June 2001, OEA/Ser. P, AG/RES. 1832 (XXXI-O/01)
- Council of Europe Recommendation on the United Nations High Commissioner for Refugees and the 50th Anniversary of the Geneva Convention, Strasbourg, 27 June 2001, Rec. 1525 (2001)
- Organization of African Unity Decision on the 50th Anniversary of the Adoption of the 1951 Convention, Lusaka, 11 July 2001
- European Union Declaration on the 50th Anniversary of the 1951 Convention relating to the Status of Refugees, Brussels, 28 July 2001
- Paris Appeal by Refugees at the French National Assembly, Paris, 16 June 2001

M. Consultations with Refugees

- International Conference on the Reception and Integration of Resettled Refugees (ICRIRR), Norrköpping, 25-27 April 2001
- Refugee Parliament, French National Assembly, Paris, 16 June 2001
- Dialogue with Refugee Women, Geneva, 20-22 June 2001
- The Refugee Perspective, Rouen, 14-16 September 2001

N. General

- *Refugee Protection - A Guide to International Refugee Law*, Handbook for Parliamentarians No. 2, 2001, Office of the United Nations High Commissioner for Refugees and the Inter-Parliamentary Union
- *Global Consultations - "Third Track" Issues: List of Selected Reference Material*, EC/GC/01/2, 12 February 2001
- *Work Programme for "Third Track" Issues in the Context of the Executive Committee Framework*, EC/GC/01/1/Rev.2, 9 May 2001